

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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<i>In re</i>	:	
	:	PROMESA
THE FINANCIAL OVERSIGHT AND	:	Title III
MANAGEMENT BOARD FOR PUERTO RICO,	:	
	:	
as representative of	:	Case No. 17-BK-3283 (LTS)
	:	
THE COMMONWEALTH OF PUERTO RICO,	:	(Jointly Administered)
<i>et al.</i> ,	:	
	:	
Debtors. ¹	:	

<i>In re</i>	:	
	:	
THE FINANCIAL OVERSIGHT AND	:	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	:	Title III
	:	
as representative of	:	
	:	Case No. 17-BK-04780-LTS
PUERTO RICO ELECTRICAL POWER	:	
AUTHORITY (PREPA),	:	Court Filing Relates Only to PREPA
	:	
Debtor.	:	

**INFORMATIVE MOTION OF CORTLAND CAPITAL
MARKET SERVICES LLC, AS ADMINISTRATIVE AGENT, AND SOLUS
REGARDING CONSENSUAL EXTENSION OF DEADLINES UNDER THE
DISCOVERY AND SCHEDULING ORDER**

The Debtors in these title III cases, along with each Debtor's respective Title III case number listed as a bankruptcy case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

To the Honorable United States District Judge Laura Taylor Swain:

Cortland Capital Market Services LLC (“Cortland”), as administrative agent for lenders under that certain Credit Agreement, dated as of May 4, 2012, among PREPA, Scotiabank, and the lenders party thereto (as amended, the “Scotiabank Credit Agreement”), and SOLA LTD, Solus Opportunities Fund 5 LP, Ultra Master LTD, and Ultra NB LLC (collectively, “Solus”), as lenders to PREPA under the Scotiabank Credit Agreement and the Trade Facility Agreement, dated as of July 20, 2012, among PREPA and Citibank, N.A., as predecessor to the existing lenders thereunder (as amended, the “Citibank Credit Agreement,” and together with the Scotiabank Credit Agreement, the “Fuel Lines”), by and through their attorneys, respectfully submit this informative motion (this “Motion”) to provide the Court with an update regarding the consensual extension of deadlines and related agreements with respect to the *Motion for Protective Order Regarding Deposition Notices to Nelson Morales and Kevin Lavin* [Dkt. 1283] (the “Motion to Quash”) filed by PREPA, AAFAF and Ankura Consulting LLC (“Ankura”).

1. On May 22, 2019, the Court entered its *Order Extending and Establishing Certain Deadlines Applicable to the Joint Motion of Puerto Rico Electric Power Authority and AAFAF Pursuant to Bankruptcy Code Sections 362, 502, 922, and 928, and Bankruptcy Rules 3012(a)(1) and 9019 for Order Approving Settlements Embodied in the Restructuring Support Agreement [ECF No. 1235]* [Dkt. 1253] (the “Discovery and Scheduling Order”). The Discovery and Scheduling Order set forth the following deadlines: (i) June 3, 2019 as the deadline for serving deposition notices or subpoenas; (ii) June 5, 2019 as the deadline for filing motions to quash with respect to deposition notices or subpoenas; (iii) June 7, 2019 as the deadline for filing opposition papers to motions to quash; and (iv) June 10, 2019 as the deadline for filing any reply papers to motions to quash.

2. On June 3, 2019, consistent with the Discovery and Scheduling Order, Cortland and Solus served upon counsel for PREPA, AAFAF and Ankura the *Notice of Deposition of Kevin Lavin by Cortland Capital Market Services, LLC, as Administrative Agent, and Solus* (the “Lavin Notice”) and Solus separately served upon same counsel the *Notice of Deposition of Nelson Morales* (the “Morales Notice”).

3. On June 5, 2019, PREPA, AAFAF and Ankura filed the Motion to Quash requesting a protective order to quash the notices of deposition to Mr. Morales and Mr. Lavin.

4. The parties have met and conferred in good faith and have consensually agreed that (i) the depositions for Mr. Morales and Mr. Lavin will be postponed until after the conclusion of PREPA’s Rule 30(b)(6) deposition; (ii) Solus and Cortland will thereafter consider the withdrawal of the Lavin Notice and the Morales Notice; and (iii) the parties will continue to meet and confer to resolve issues relating to the aforementioned discovery.

5. In the event the Lavin Notice and/or Morales Notice are not withdrawn, the parties will proceed with the following revised briefing schedule: (i) the deadline for Solus and Cortland to oppose the Motion to Quash will be three (3) days after the conclusion of PREPA’s Rule 30(b)(6) deposition on June 28 or such other date as may be agreed; (ii) the deadline for PREPA, AAFAF and Ankura to reply will be two (2) days after the opposition is filed; and (iii) the hearing on the Motion to Quash will be on the first available date after all papers are filed. The parties will during this time also work cooperatively to schedule dates for each deposition in the event the notices are not quashed.

6. In addition, PREPA, AAFAF and Ankura have agreed that, in the event the Lavin Notice is withdrawn, they will not object to the admission of the *Declaration of Kevin Lavin in Support of Opposition of the Financial Oversight and Management Board for Puerto Rico to the*

Motion of the Ad Hoc Group of PREPA Bondholders, National Public Finance Guaranty Municipal Corp., Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. for Relief From the Automatic Stay to Allow Movants to Enforce their Statutory Right to Have a Receiver Appointed [Dkt. 149-1] (the “Lavin Declaration”) into evidence at the hearing on the 9019 Motion on any ground other than relevance under Federal Rule of Evidence 401 or lack of probative value under Federal Rule of Evidence 403.

7. These agreements are subject to the full reservation of rights available to the parties under the Discovery and Scheduling Order.

Dated: June 7, 2019

/s/ Nayuan Zouairabani

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